

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The office action dated May 24, 2005 has been received and its contents carefully reviewed.

In the Office Action, claims 1-12, 19, and 20 are rejected under 35 U.S.C. § 101. Claims 1-20 are rejected under 35 U.S.C. §112, second paragraph, for being indefinite. Claims 1-20 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,167,435 to Druckenmiller.

The rejection of claims 1-20 is respectfully traversed and reconsideration is requested. The Examiner alleges that independent claim 1 is not within the “technological arts”. Applicant respectfully disagrees. Claims 1-20 are process claims directed to process steps for providing information from a plurality of information sources, which is clearly within the technological arts. However, Applicant respectfully submits that a technological arts test such as that applied by the Examiner is inappropriate. *In re Lundgren* (2005). Accordingly, Applicant respectfully requests the withdrawal of the §101 rejection.

In the Office Action, claims 1-20 are rejected under 35 U.S.C. §112, second paragraph. Applicant respectfully traverses this rejection. The scope of the invention is clear from the preamble of the claims. For example, claim 1 recites “providing key performance indicators to a subscriber via a subscription server and subscriber interface”. This is not merely “providing information” as the Examiner alleges, but rather provides a concrete, tangible, and useful result, namely key performance indicators to a subscriber over the particular server and interfaces recited. In addition, the methods recited in claim 1 support this objective.

Accordingly, Applicant respectfully requests the withdrawal of the §112, second paragraph, rejection as well.

With regard to the rejection under §102(e), Applicant submits that claims 1-20 are allowable over the cited references in that each of these claims recites a combination of elements including, for example, “identifying key performance indicators available from the subset of subscriptions; selecting key performance indicators from the selected subset of subscriptions in response to input from the subscriber interface; and providing the selected key performance indicators via the user interface” (claim 1); “identifying metric data available from the subset of data; selecting metric data from the selected subset of data in response to input from the user interface; and providing the selected metric data via the user interface” (claim 7); “the user interface allows the user to select a subset of the information sources, the information sources remote from the subscription server and the subscription server receiving metric information from the information sources” (claim 13); “the user interface allows the user to select a set of information sources from the first information source and second information sources, the second information sources remote from the second subscription server” (claim 16); and “identifying metric data available from the subset of data; selecting metric data from the selected subset of data in response to input from the user interface; receiving the selected metric data; and providing the selected metric data via the user interface” (claim 19).

None of the cited references including Druckenmiller, singly or in combination, teaches or suggests at least this feature of the claimed invention. The structure of claims 1, 7, 13, 16, and 19 of the present invention is different from the Druckenmiller structure in that Druckenmiller does not disclose or suggest “identifying key performance indicators”, “identifying metric data”, selecting “a subset of the information sources, the information sources

remote from the subscription server”, selecting “a set of information sources from the first information source and second information sources”; or “selecting metric data” as recited in the independent claims 1, 7, 13, 16, and 19 . Accordingly, Applicant respectfully submits that claim 1, 7, 13, 16, and 19 and claims 2-6, 8-12, 14-15, 17-18, and 20 which depend from claims 1, 7, 13, 16, and 19 respectively, are allowable over the cited references.


Applicant believes the foregoing discussion places the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: November 23, 2005

Respectfully submitted,

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